

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of New Jersey

Division

Duronio, Roger F.

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Parker, Kelly; Ali, Robin; (Legal advisor to Parker)
Sellingner, Philip R.; Malerba, Marilyn; Garland,
Merrick; Biden, Joe

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☐ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Roger F. Duronio		
Address	110 Gray St.		
	Bogota	NJ	07603
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Bergen		
Telephone Number	551-574-8851		
E-Mail Address	rfduronio@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Kelly Parker		
Job or Title <i>(if known)</i>	Clerk, Financial Litigation Unit		
Address	Federal Building, Room 701, 970 Broad Street		
	Newark	NJ	07102
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Essex		
Telephone Number	973-645-2834		
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name	Robin Ali		
Job or Title <i>(if known)</i>	Clerk Supervisor, Financial Litigation Unit		
Address	Federal building, 970 Broad Street, 7th Floor		
	Newark	NJ	07102
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Essex		
Telephone Number	973-645-2917		
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

This is the full statement under section II D.

The Clerks working at the Financial Litigation Unit and Treasurer ignored the Courts the Court order and altered payment requirements arbitrarily, threatened retaliation for non-payment, then directed the treasury take money from my Social Security payments which Treasury concurred with and began taking roughly \$277, 15% of my monthly payment, from my payment. No hearings were held before or after the arbitrary changing of \$200 monthly payments took place.

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III B. Complete Statement.

From Dec. 2006. Judge Greenaway waived interest on the restitution debt of \$3,162,376.00. The DOJ started charging 4.98% then. After release and beginning supervised release began in 2014 I received demands from the Financial group and began monthly payments. I complained about the interest charges and changes were made in totals on my reports but the bookkeeping became impossible to follow. I just kept paying over the period of Supervised Release. Once my sentence concluded in 2017 I missed some payments.

Threats came. I negotiated a lower payment with the clerk. She agreed to \$125 monthly. No hearing. I ceased paying and started studying bankruptcy with Federal Restitution. In late 2021 threats came. They were enforced in Feb, 2022.

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III C.

I was sentenced to pay restitution to UBS bank, over \$3 million at the rate of no less than \$200 per month. When under DOJ custody while in prison and under supervised release authority I was instructed to pay the debt through the Executive branch. I paid half my earnings from the prison cable company for roughly 7 years. I have no record of the payments or who they went to. Since then I paid monthly for 3 years while under supervised release. I was charge 4.98% interest even though the Court waived interest. A lien on my home in the Bergen County also shows there was 4.98% on the debt. A debtor statement of 9/30/2014 shows \$1,209,182.96 in interest. I complained and changes were made that I can't interpret. I kept paying. The Financial litigation Clerk negotiated over the phone downward to \$125 a month and I started paying it for a while. I quit paying, got threatened, ignored the threat, the threat was acted on, and Treasury started taking \$276.45 out of my Social Security. No hearings were held. That was in Feb. 2022. They have taken it every month since. I have called and talked with the Clerks and they are adamant that I owe the debt and that I must pay it. I submit they are denying me due process and equal protection while competing in the bill collecting community and using the full force of the DOJ and Treasury against me to collect a civil debt.

Denial of Due process of law, Denial of equal protection of the law

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The Clerks working at the Financial Litigation Unit and Treasurer ignored the Courts the Court order and altered payment requirements arbitrarily, threatened retaliation for non-payment, then directed the treasury take money from my Social Security payments which Treasury concurred with and began taking roughly \$277, 15% of my monthly payment, from my payment. No hearings were held before or after the arbitrary changing of \$200 monthly payments took place. +

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
The Court room of Judge Greenaway at sentencing in Dec. 2006. In the offices of the U.S. Attorney in Newark and the U.S. Treasury and other Executive offices of the United States.
- B. What date and approximate time did the events giving rise to your claim(s) occur?
From Dec. 2006. Judge Greenaway waived interest on the restitution debt of \$3,162,376.00. The DOJ started charging 4.98% then. After release and beginning supervised release began in 2014 I received demands from the Financial group and began monthly payments. I complained about the interest charges and changes were made in totals on my reports but the bookkeeping became impossible to follow. I just kept paying over the period of Supervised Release. Once my sentence concluded in 2017 +
- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
I was sentenced to pay restitution to UBS bank, over \$3 million at the rate of no less than \$200 per month. While under DOJ custody while in prison and under supervised release authority I was instructed to pay the debt through the Executive branch. I paid half my earnings from the prison cable company for roughly 7 years. I have no record of the payments or who they went to. Since then I paid monthly for 3 years while under supervised release. I was charge 4.98% interest even though the Court waived interest. A lien on my home in the Bergen County also shows there was 4.98% on the debt. A debtor statement of 9/30/2014 shows \$1,209,182.96 in interest. I complained and changes were made that I can't interpret. I kept paying. The Financial litigation Clerk negotiated over the phone downward to \$125 a month and I started paying it for a while. I quit paying, got threatened, ignored the threat, the threat was acted on, and Treasury started taking \$276.45 out of my Social Security. No hearings were held. That was in Feb. 2022. They have taken it every month since. I have called and talked with the Clerks and they are adamant that I owe the debt and that I must pay it. I submit they are denying me ~~due process and equal protection while competing in the bill collecting community using the full force of~~ +

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Declare that I am not an indentured servant of the DOJ and Executive. Declare that the DOJ cannot legally compete as a bill collector in the U.S. economy using all its power to collect Court ordered restitution debts after the period of sentenced servitude to the Government has expired.

Order the return the monies taken from me by the Treasury. Order the disclosure of Records of payment from DOJ to USB on my debt to UBS.

Have each of the defendants pay \$100,000 dollars for violating my rights.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City

State

Zip Code

Telephone Number _____

E-mail Address _____